

TOWN OF CONCORD TOWN BOARD MEETING June 8, 2023  
7:00 p.m.

MEETING CALLED TO ORDER BY PHILIP DROZD, SUPERVISOR,  
at 7:00 p.m.

ROLL CALL: PHILIP DROZD, SUPERVISOR  
CLYDE M. DRAKE, COUNCIL MEMBER  
KENNETH D. ZITTEL, COUNCIL MEMBER  
WILLIAM F. SNYDER, III, COUNCIL MEMBER  
KIMBERLY S. KRZEMIEN, COUNCIL MEMBER

ALSO PRESENT: DARLENE G. SCHWEIKERT, Town Clerk  
BARRY A. EDWARDS, Hwy Supt.  
BRIAN F. ATTEA, Town Attorney  
CAROLYN A. ROBINSON, Dog Control Officer

GEORGE DONHAUSER	KENNETH KASSEL
BILL WOOD	JEFF RANDALL
GWEN ALEGRE	MARY ANN LUTZ
TONY LANZA	ASHLEY LOWRY
CALEB HENNING, MDA	JONATHAN ROGERS, MDA

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY COUNCIL MEMBER SNYDER

ITEM #1 DRESCHER & MALECKI TO ADDRESS THE BOARD

Nicole Ruf, CPA, Director, and Corey Sveinsson-Skobel, CPA, Manager, at Drescher & Malecki addressed the Board regarding the 2022 Year Audit. The Board Members received a copy of the draft Financial Statements. Ms. Ruf reviewed the General Fund Balance, General Fund Balance-Town Outside Village, Highway Fund Balance-Part Town, Fire Protection Fund Balance, and Sewer Fund Balance. Ms. Ruf advised that they are in the final stages but do not have final financial statements yet. The final version should be available next week. They do plan on issuing all the same statements and letters that were issued in the previous years; there are no changes to that in the current year. The report on the Basic Financial Statements will be issued unmodified. There have been no changes reported with the material weaknesses that relate to just certain record keeping and closing entries. The Management Letter will have some other things such as record keeping items (bank reconciliations, budget monitoring) are just recommendations. Supervisor Drozd asked about creating a budget line for Retirement Stabilization Account in anticipation of a large jump in the NYS Retirement. Ms. Ruf advised that normally if there is a significant change, they will try to make it a little easier over a five-year leveling period. The biggest difference year to year in the General Fund from last year is the use of the ARPA funds this year. Council Member Drake would like to have a closing meeting with them to review their findings. Ms. Ruf and Ms. Sveinsson-Skobel left the meeting at 7:15 p.m.

ITEM #2 CONSENT AGENDA

- a) Approval of Minutes:  
(1) Public Hearing-Thie Special Use – 05/11/2023  
(2) Work Session – 05/11/2023  
(3) Town Board Meeting – 05/11/2023  
(4) Special Town Board Meeting – 05/31/2023

Motion by Council Member Krzemien, seconded by Council Member Zittel, to approve Consent Agenda (a)(1-4). Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

- b) Monthly Reports:
- (1) Code Enforcement Report – May 2023
  - (2) Dog Control Officer Report – May 2023
  - (3) Town Clerk Report – May 2023
  - (4) Judge Frank Report – April 2023
  - (5) Judge Gibbin Report – April 2023
  - (6) Supervisor's Report – April 2023
  - (7) Senior Center Report – May 2023
  - (8) Assessor's Report – May 2023

Motion by Council Member Zittel, seconded by Council Member Snyder to approve Consent Agenda (b)(1-8). Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

Supervisor Drozd made the following comments: (2) Dog Control Officer Report. The Town will be purchasing a new freezer to be stored at the Highway Department barn for use by the Dog Control Officer. ARPA funds will be used for this purchase. (7) Senior Center Report. There is a lot going on at the Senior Center. Foot traffic for the month of May was 2300; three times the number of meals have been served since last year; the new window blinds will be installed on June 12, 2023.

ITEM #3      RESIDENT CONCERNS:

Jeff Randall, Craneridge resident, addressed the Board regarding the sewer project and DEC Violations at the waste water treat plants. Gwen Alegre was also in attendance. Mr. Randall is hoping to gain a little more information to take back to the homeowner's association and also invited the Town Board to attend their association meetings. Their meetings are the first Monday of every month at 6:45 p.m. Supervisor Drozd cannot attend that night because of a conflict with the fire department but the association and Supervisor Drozd will coordinate other meetings as needed. Residents in Craneridge have heard that their property taxes are going to go up and had concerns. Supervisor Drozd advised that Engineer Caleb Henning, MDA, is scheduled to be in attendance and will be reviewing the project and can provide an update. Supervisor Drozd noted that this is not something that just happened up there, there have been issues brewing for a number of years; the Town is trying to fix these problems in the best possible way. The Town did secure a two-million-dollar grant from former Congressman Chris Jacobs. This grant is being funded through the EPA. He has been in contact with Director Christine Ash at the EPA. They know the severity of our situation; the Town is looking for other grants; the Town does not know what else we will qualify for but the grant writer is working on this. The Town will be doing Phase I this year; this has to be done. This is one piece of the large project to combine the two plants. The Kissing Bridge plant will be mothballed and put a pumping station in and pump the effluent to the Craneridge Plant that will handle the extra volume at this point. This is not a permanent fix but one step in the big project.

Council Member Drake advised that the DEC has also tightened up the requirements of what can be disposed into the Cazenovia Creek. The DEC violations are at both plants.

Supervisor Drozd advised Mr. Randall that they are welcomed to attend the Board meetings at any time.

No one else wished to address the Board. Motion by Council Member Krzemien seconded by Council Member Drake, to close Resident Concerns. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

ITEM #4      HIGHWAY DEPARTMENT

- a) Hwy Supt Edwards read his filed monthly report.

Hwy Supt Edwards added the following:

(1) He was notified that the 2023 Dodge One-Ton cab & chassis that was ordered to replace a 550 is no longer being made. The Town will be getting a 2024 Dodge with a delivery date close to the date the 2023 was to be delivered and they have to honor the price for the 2024 Dodge.

(2) St. Matthews Tree Service removed a maple tree at the Mortons Corners Cemetery. It will be chipped tomorrow.

Motion by Council Member Drake, seconded by Council Member Zittel, to receive and file the Highway Report. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

Supervisor Drozd moved Agenda Item #6, Old Business (b)(1) to this time so that the MDA Consulting Engineers could present and then leave the meeting.

ITEM #6      OLD BUSINESS

b) Kissing Bridge Water –

(1) Caleb Henning and Jonathan Rogers, MDA, reviewed the Amendment to MDA April 13, 2022 Contract. Mr. Henning noted that a couple years ago they put together a report to consolidate the two waste water treatment plants into one new plant. The Town has received some funding for the project already. In the meantime, the Kissing Bridge plant has been experiencing some more failures. In March, the Town authorized MDA to move forward with starting the design and construction of the infrastructure that would allow decommissioning the Kissing Bridge Waste Water Treatment Plant. They would be installing infrastructure that was proposed under the larger project consisting of a pump station and forcemain to convey the waste water from the Kissing Bridge sewer district over to the vicinity of the Craneridge Plant. The original plan would be to construct a new plant in that area so that both plants can be decommissioned. Since then, there has been a lot of movement on funding: getting letters of support and sitting in on conversations and webinars about the different types of funding. The one thing that MDA is asking the Board to do tonight is to amend a previous Engineering Agreement that MDA has with the Town which is an on-going Agreement; to amend that Agreement to include the scope of work that the Town authorized in March. This would allow the Town to recoup the cost of engineering for this first part under the larger funding project. The May 26<sup>th</sup> letter sent to Supervisor Drozd is asking the Board to authorize amending the 2022 Agreement to incorporate the services that were previously authorized. At this time, there is no anticipated change in scope or in price. Just that MDA is going to do the work under the previous Agreement. A tentative project schedule was included to show the Board the roadmap for Year 2023 of goals to get this pump station and forcemain designed, approved by the DEC, bid out and constructed by winter so that the old Kissing Bridge Plant does not have to be operated during the winter time. An engineer's estimate was also provided to the Board. The total estimate for the project is \$420,000. This part of the work was taken out of the larger work and presented it as a stand-alone smaller project. Jeff Smith, Municipal Solutions, has been copied in on this matter. Supervisor Drozd asked if this will be put on the fast track with the DEC and Mr. Henning noted that the DEC review workload was not very heavy right now. The Town, MDA and Jeff Smith, Municipal Solutions, have all been involved with the DEC and trying to help this project in any way possible to get funding. One of the questions when applying for funding is: Is the Town under a Consent Order to get this problem fixed and it is now. This Consent Order should really strengthen funding applications.

Mr. Henning also noted that they are also working on the NEPA review. This was discussed a couple months ago. This was in the previous agreement but was not yet completed. Mr. Rogers is working on putting that together. The NEPA review is the federal version of the State SEQR. This review would include all the background information regarding the different environmental resources and how they are impacted and the process is a little bit different with the different funding agencies. Mr. Henning

would like the Board to authorize Supervisor Drozd to act as the "certifying officer" giving him authorization to sign the various forms required for the NEPA review. This will help keep things moving along. These are the two items to be addressed tonight.

Supervisor Drozd asked the status of other pump station at Ridgeview. MDA met Ben Slotman at the site last week to look at the Kissing Bridge project. Elevation shots were taken for gathering the background and field data for the other project. It was determined that the pump station cannot be simply eliminated and turn everything into gravity. That was the hope. The plan would be to install a residential sized grinder pump station to pump into the gravity main near there. This would allow for the decommissioning of all that infrastructure that are dangerous, manholes; and it is also a maintenance expense. Council Member Zittel thinks this is the right track. Mr. Henning advised that it should not be difficult to get specifications together and get an installation contract for that. This would be a pretty small project. Supervisor Drozd noted that the projected price of \$420,000 has a 30% construction contingency so hopefully the project will come in lower. The piping for the project will be in stock; the pump station may need a little bit of a lead time dependent on what is going to be used. Mr. Henning would like to drop in a E1 Quadplex, a fabricated, fiberglass basin with four pumps in there. There would need to be conversation with the manufacturer to see if the manufacturer would support the installation. Using this type would save considerable money. Council Member Drake asked if smaller grinders were installed, could the Town get rid of the phone lines/alarm systems; yes, there would have a local alarm at Craneridge. Kissing Bridge will probably have some sort of a cellular based connection or internet-based connection so that the operators (whether Ellicottville or a town employee) can see the status of the pump station from their computer and get alarms on their texts and emails. Supervisor Drozd noted for the Craneridge residents in attendance that the Town has an Intermunicipal Agreement with the Village/Town of Ellicottville that actually runs the sewer system for us. The Town feels this is a great service. Ben Slotman, the Town/Village Engineer for Ellicottville used to work for MDA and is very familiar with the waste water treatment plants. Mr. Henning advised that a huge benefit of consolidating the waste water treatment plants is that the Town will only have to pay Ellicottville to run one plant instead of two. Both plants are actually in really bad repair and maintenance costs are starting to go through the roof on both of the plants.

Gwen Alegre asked if the Town has had any engagement with Erie County Water Conservation. Supervisor Drozd noted that Field Manager Mark Gaston is aware of this project. ECWC will be going back there this year to do some work with County funds like they did last year and try to incorporate some of the problems that the Town has up there with some of the sewer lines. Mr. Henning also noted that this should also help to address some of the current issues that are really ongoing in the subdivision. The waste water treatment plants will probably not have quite so much involvement with Soil and Water. Some of the bank stabilization and stream stabilization needs will be addressed.

Jeff Randall asked if the two stations will then become one? Mr. Henning noted that there were talking about two different projects. In Craneridge on Ridge Trail, there is an old pump station way back in the woods by the townhouses. The townhouse area was originally planned to extend much further back and that never happened. There is an old pump station back there that is at end of life. The small project would be to get rid of that and bring the pumping equipment right next to the houses which is standard. The two waste water treatment plants are actually down by Kissing Bridge. One is on the other side of the Creek and Craneridge's plant is actually on the Craneridge side of the Creek by the old railroad bed. The big project is to combine the two waste water treatment plants into one modern plant that will handle the waste water from both sewer districts, will run much more efficiently and will not be as maintenance intensive because it is new. This would be located right next to the existing Craneridge plant. Ms. Alegre asked what would happen to the structure located down the hill off of Ridge Trail before you get to the townhouses? Mr. Henning advised that that is the main pump station for the Craneridge development and sewer district and that pump station will stay. There are always some concerns about the gravity mains and the pump station just making sure there are not sliding into the creek. Right now, there is not currently any proposed work to be done on it but eventually it may need to be rehabbed. The rotating equipment like

pumps and blowers are considered short-lived assets of about 10 years and need to be replaced regularly. Ms. Alegre asked if the violations have been incurring in and around Cazenovia Creek? Is there more impact in residential areas or is it all where the water is flowing into Cazenovia Creek. Mr. Henning noted that it is related to the waste water treatment plants which is discharging into the West Branch of the Cazenovia Creek. There were no other questions.

Town Atty Attea noted that there are two motions to be addressed: (1) a motion to amend the MDA April 13, 2022 contract to include the scope of work that is included in the letter that was sent by Mr. Henning in March, the letter could be submitted as part of a motion. Motion by Council Member Zittel, seconded by Council Member Snyder, to amend the MDA April 13, 2022 Contract as above detailed. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

Town Atty Attea noted that the other open item is (2) With regard to the NEPA review, appointing our Town Supervisor as the certifying officer for the NEPA review. Motion by Council Member Snyder, seconded by Council Member Drake, to appoint Supervisor Drozd as the certifying officer for the NEPA review. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried. Supervisor Drozd thanked Mr. Henning and Mr. Rogers for their attendance tonight and they left the meeting at 7:49 p.m.

ITEM #5      EXECUTIVE SESSION

Supervisor Drozd thought an Executive Session would be necessary this evening but given the information received from Jeff Smith, Municipal Solutions, it is in the Town's best interest to pay the NYS DEC Violation fine in the amount of \$15,356. The Town really does not have a choice on this fine. Council Member Drake was in the office with Supervisor Drozd when the NYS DEC attorney called. Council Member Snyder asked if the Town agrees with everything in the Consent Order. Town Atty Attea said yes for the most part. It has already been bargained down; it is unfortunate. It is not because of any lack of due diligence on the Board's part or any negligence on the Board's part, this is a problem that is being addressed very aggressively. Council Member Drake noted that in past there was a different inspector that came out and then he retired and now there is a new inspector and the DEC tightened up the requirements as to what could go into the creek and the Town was not set up to do that. Town Atty Attea noted that the Town did nothing wrong. It is a little unfair from a historical perspective based on how the DEC had been dealing with the Town and what the recommendations had been historically but the shift and exposure to the Town still exists. Supervisor Drozd noted that the Town should score higher in the grant process by paying a fine on this project. The total fines for the plants were \$76,781 and were bargained down to \$15,356.

Supervisor Drozd moved Agenda Item #6, Old Business (b)(2) to this time.

ITEM #6      OLD BUSINESS

(b) Kissing Bridge Sewer Plant

(2) NYS DEC Violation Consent Order - Motion by Council Member Krzemien, seconded by Council Member Zittel, to the NYS DEC Fines in the amount of \$15,356. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

ITEM #6      OLD BUSINESS

a) Community Park Pavilion Project Update/DASNY Grant – This was discussed earlier this evening during Work Session. The Town did receive the \$100,000 from the DASNY Grant and already got the \$35,000; \$15,000 remains but at this time there are no other bills from the project until Alliance Homes finishes their construction.

1) Ehmke Well Drillers Proposal – Water Design – The Town received

the approval from the Erie County Health Department to proceed with the design from Schenne Engineer. Under the Town's Procurement Policy, the Town should get two quotes for this public works project but due to the fact that the Town needs to get this Pavilion done; baseball season is in full swing and people want to rent this building. To keep continuity with the first work at Community Park, Supervisor Drozd asked for a motion under Emergency Purchase from Ehmke Well Drillers to come in and run the water line from the new well to the well house and install the filtration system as approved by the Erie County Department of Health in the amount of \$13,798.22. This cost would be taken from the ARPA funds. Ehmke Well Drillers Proposal dated June 6, 2023 was submitted. This proposal has two parts: Part 1 is to run water lines in the amount of \$3,175.00 and Part 2 is to install filtration in the amount of \$10,623.22; for a total of \$13,798.22.

Motion by Council Member Zittel, seconded by Council Member Drake, to approve as an Emergency Purchase the Ehmke Well Drillers Proposal dated June 6, 2023 in the amount of \$13,798.22. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

2) Purchase 3 door Beverage Air Refrigerator in the amount of \$5,833.61. The cooler with three-year parts and labor, four-year compressor warranty, and delivered to Community Park was \$6,200.79; bid price is \$5,833.61. ARPA Funds will be used for this purchase.

Motion by Council Member Zittel, seconded by Council Member Krzemien, to approve the purchase of the 3 door Beverage Air Refrigerator in the amount of \$5,833.61. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried. Supervisor Drozd will coordinate delivery once Alliance Homes completes their work. The refrigerator will be delivered by liftgate and the Highway Department will assist in delivery and connecting the appliance.

b) KB Sewer Plant –

1) Amendment to MDA April 13, 2022 Contract. Discussed earlier on the Agenda.

2) NYS DEC Violation Consent Order. Discussed earlier on the Agenda.

c) Community Bank/NYClass - Supervisor Drozd and Council Member Drake has been reviewing the Town's banking needs. Anthony Lanza is the Municipal Banking Officer at Community Bank on Cascade Drive in Springville. Mr. Lanza lives here in Springville and is based at the Springville bank location. Community Bank will match NYClass which was where the Town was going to transfer money into and Community Bank adjusts the 1<sup>st</sup> and the 15<sup>th</sup> of the month where NYClass just adjusts their rates once a month. The money is currently at Cattaraugus County Bank and there is no interest there. Community Bank would be local and he thinks it is better to keep the money local. Anthony Lanza and MaryAnn Lutz provided the Board with their background information and explained how Community Bank can assist with the Town's banking needs. Money Market Accounts earn 4.88% and Interest Checking Accounts earn 0.25%. Community Bank provides collateral for its public funds depositors in accordance with New York General Municipal Law through its third-party custodian Wilmington Trust NA and all amounts in excess of applicable FDIC insurance limits will be fully-collateralized with at minimum, a 102% margin. Mr. Lanza noted that Community Bank would love the opportunity to become the primary bank of the town and would be willing to submit a proposal for full banking services at a future time but the primary focus today is to address the immediate needs of the Town to get the best return on the reserve accounts. The funds would be available immediately if the Town needed access. With NYClass, it could take up to 48 hours because it is an investment account. Mr. Lanza and Ms. Lutz thanked the Board and if the Town needs anything additional information, the Board can reach him here locally. Council Member Drake noted that the Town is currently getting 2%.

Motion by Council Member Drake, seconded by Council Member Zittel, to move the Town's money out of Cattaraugus County Bank to Community Bank.

Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye.  
Carried.

ITEM #7    NEW BUSINESS

a) Audit of the Bills – Supervisor Drozd stated that these bills were audited by Council Member Drake, and reviewed by the Board.

Year 2023 Abstract 6:

General Fund A, abstract 6, bills 629-692; \$40,415.01  
General Fund B, abstract 6, bills 693-699; \$22,971.04  
Library Fund, abstract 6, bills 700-703; \$251.75  
Fire Protection, abstract 6, bills 704-705; \$100,024.69  
Joint Van, abstract 6, bills 706-707; \$396.67  
Joint Youth, abstract 6, NONE  
Craneridge Lighting, abstract 6, NONE  
Craneridge Sewer, abstract 6, bills 708-714; \$7,369.13  
Highway DA, abstract 6, NONE  
Highway DB, abstract 6, bills 715-730; \$41,621.21  
Kissing Bridge Water, abstract 6, bills 731-732; \$150.00  
Kissing Bridge Sewer, abstract 6, bills 733-736; \$3,566.96  
Trevett Rd. Water, abstract 6, NONE  
Cattaraugus St. Water, abstract 6, NONE  
Trust & Agency, abstract 6, NONE  
Capital (HA) C. Sewer, abstract 6, NONE  
Capital (HB) Land, abstract 6, NONE  
Capital (HD) Catt St, abstract 6, NONE  
Capital (HE) Sr. Ctr, abstract 6, NONE  
Capital (HF) Hwy Equip, abstract 6, NONE  
Capital (HG) Waste Study, abstract 6, NONE

Motion by Council Member Drake, seconded by Council Member Zittel, to approve the bills in Year 2023 Abstract 6 as presented. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

b) CHIPS Money – Hwy Supt Edwards noted that when the Agreement to Spend Highway Funds was signed, he was told that the CHIPS money was basically going to stay the same as last year. \$121,298.98 was put in and the actual amount received is \$136,474.45. An increase of \$15,175.47 will need to be adjusted. CHIPS funding went from \$72,819.97 to \$83,029.22. PAVE NY stayed the same at \$19,410.96 and Extreme Weather Relief stayed the same at \$16,127.41. Pothole went from \$12,940.64 to \$17,906.86. This included rollover balances from last year of \$4,969.60 from Pothole and \$547.63 in CHIPS. This is an adjustment to the budget line not the Agreement to Spend Highway Funds.

Motion by Council Member Drake, seconded by Council Member Zittel, to adjust the budget for the increase for the road repair items (CHIPS and Pothole) by \$15,175.47. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

c) Wittmeyer/Zoar Moto Park Special Use Permit – Set Public Hearing date 7/13/23 at 6:30 p.m. – Council Member Drake advised that this matter was reviewed by the Planning Board at their June 6<sup>th</sup> meeting; and the Planning Board members asked some tough questions about parking. It was noted that this is a ride and not a race. Mr. Abdo claims that there used to be 10,000 people attend over the two days; he does not expect that many to show this year, maybe just a couple thousand. Mr. Abdo did note that if 10,000 showed up, he could handle the parking off road. The Planning Board recommended this Permit to the Town Board for the Public Hearing.

Motion by Council Member Drake, seconded by Council Member Krzemien, to set the Public Hearing on the Wittmeyer/Zoar Moto Park Special Use Permit for Thursday, July 13, 2023 at 6:30 p.m. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

d) Craneridge Zoning – Set Public Hearing date 7/13/23 at 6:15 p.m. – Town Atty Attea drafted this proposed change to the zoning to clear up some historical discrepancies. The Craneridge Zoning has been bounced around going all the way back to the mid 1960's into different sections of the zoning code. This will pull it all together and compartmentalize it so the Town is not trying to get a square peg into a round hole in some other area of our zoning. Town Atty Attea thanked Town Clerk Schweikert's efforts to put a lot of that historical perspective on the drafted language with color coded information. Town Atty Attea asked the Board to look at the draft and provide any insight as to the historical references and feedback. This is important to clean up the language and finalize it. The final format to become part of the Town Code needs to be completed prior to the Public Hearing date. This new zoning language is built specifically for Craneridge. This is a very unique development and over the years when the history was reviewed, everywhere they were plugging in what we will call "Craneridge Zoning" to make it fit, it just wasn't always in the right place. The conclusion is that Craneridge is its own unique entity the way it was zoned historically and why isn't the Town treating it that way. Instead of trying to fit Craneridge into some other area of our zoning, the Town will just make it its own zoning code and stand on its own. It does not impact any other areas of the Town's zoning. It can be its own unique, very special place in our Code and in the Town; this will avoid any confusion or conflict down the road.

Motion by Council Member Krzemien, seconded by Council Member Zittel, to set the Public Hearing on Local Law #3 of 2023 To Amend the Zoning for Thursday, July 13, 2023 at 6:00 p.m. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

e) Southtowns Rural Preservation Letter of Support – Southtowns Rural Preservation is in the process of preparing a grant application to be submitted to New York Affordable Housing Corporation; \$375,000 in home improvement funds is being requested which would be used for their home repair programs for income eligible homeowners. Currently there are two Town of Concord residents in the application for the home repair program. The Town received correspondence dated May 31, 2023 from Southtowns Rural Preservation Board requesting a letter of support to be included in their New York Affordable Housing Corporation grant application. Council Member Drake is on the Board of Directors for this organization. People can apply to get windows fixed, roofing, siding; it is dependent on income. There have been several people from the Town of Concord over the years that have applied and received grant money.

Motion by Council Member Drake, seconded by Council Member Krzemien, to authorize Supervisor Drozd to send in a Letter of Support for the Southtowns Rural Preservation grant application. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

f) Gold Star Feed & Grain – Senior Center Parking lot use – 07/20/2023 – The Board approved Gold Star Feed & Grain's use of the Senior Center Parking lot last year and there were no problems. This was discussed earlier this evening during Work Session. The only caveat is that the Town is not sure when the parking lot is going to be sealed. It is tentatively scheduled around this time; weather may impact that project. Supervisor Drozd advised that he could contact Richard Ardillo at Gold Star Feed & Grain and schedule permitting the Town will let them use the parking lot again this year.

Motion by Supervisor Drozd, seconded by Council Member Drake, to allow Gold Star Feed & Grain to use the Senior Center Parking lot for their customer appreciation luncheon to be held on Thursday, July 20<sup>th</sup>, schedule permitting. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

g) Chamber of Commerce – Accept donated items – The Chamber of Commerce is disbanding. The Chamber donated some items to the Town: plastic supplies (cups etc), desk and hutch, metal file cabinets and assorted office supplies. The Chamber may also be donating a computer to the Town for use at the Senior Center.

Motion by Council Member Drake, seconded by Council Member Krzemien, to accept the items donated by the Springville Chamber of Commerce: plastic supplies (cups, etc., for use at the Bensley Center), desk and hutch, metal file cabinets and assorted office supplies. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried. Council Member Drake believes that the Chamber will also be donating a computer but it has not yet been given to the Town.

Supervisor Drozd asked for a motion to add (h) Erie County Rail Trail Letter of Support to the Agenda. Motion by Council Member Drake, seconded by Council Member Krzemien, to add (h) Erie County Rail Trail Letter of Support to the Agenda. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

h) Erie County Rail Trail – Supervisor Drozd received a request from the ECRT for support of the grant application for the bridge evaluation. ECRT will be reapplying. The Town sent in a letter of support last year. This year ECRT has a letter of support from NYS Parks and from Cattaraugus County. This is just to apply for the grant to evaluate the high-level bridge.

Council Member Krzemien moved the adoption of Resolution 7, seconded by Council Member Zittel:

RESOLUTION  
CASCADE BRIDGE EVALUATION AND PLANNING

WHEREAS, the Erie Cattaraugus Rail Trail, Inc. (ECRT) is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under Title 9 of the Environmental Protection Act of 1993 for a park project to be located partially within the Town of Concord, a site located within the territorial jurisdiction of this Board; and

WHEREAS, as a requirement under the rules of this program, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located";

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Concord, New York, does hereby approve and endorse the application of ECRT for a grant under Title 9 of the Environmental Protection Act of 1993 for a park project known as Cascade Bridge Evaluation and Planning and located in part within this community.

Voting as follows:

Council Member Drake	Aye
Council Member Krzemien	Aye
Council Member Snyder	Nay
Council Member Zittel	Aye
Supervisor Drozd	Aye

The foregoing Resolution was thereupon declared duly adopted.

ITEM #8      COUNCIL MEMBER NOTES

a) Council Member Krzemien received a text message from a patron at the Concord Senior Center with a crafting group. The group was told that they could no longer bring their food to eat in their own lunch and eat in the room where they meet. They were told all food had to be in the large room where lunches are served. The resident wants to know why. Is this an EC Health Department issue? Town Atty Attea is

not aware of anything specific where that would create a violation of the EC Health Department rule. This should be discussed with Senior Director Eschborn. Supervisor Drozd will speak to Senior Director Eschborn to find out what is going on.

b) Council Member Krzemien noted that the Pop Warner Pub Crawl is June 17<sup>th</sup>.

c) Council Member Snyder – There is a public outreach on the future of energy in New York State. To be completely transparent, Council Member Snyder advised that he does work for National Fuel but on the other hand you can see firsthand the value of the service and what it means to the people who have the service which is approximately 90% of our community. Natural gas plays a vital role in our community, especially during power outages. There is definitely a pathway to achieve the State's climate legislation goals without a complete ban. He feels it is important that people understand that that pathway does exist and there is a responsible way to get there without banning natural gas which the community depends on for energy: hot water, clothes drying, cooking. It is good to see the support for it and people are starting to realize that there are other ways to get there without banning. The more dialogue on this and the more conversation about it, the better. Supervisor Drozd noted that in February 2023, the Town Board went on record opposing the ban. Council Member Krzemien recommended residents send letters to their elected officials.

d) Council Member Zittel reminded those in attendance that the East Concord Fire Department Tractor Pull is July 14<sup>th</sup> and July 15<sup>th</sup>.

e) Council Member Drake advised that the Town's audit contract was for four years and it is up this year. He feels it is good business practice for the Town to do Requests for Proposals to see what is available. Drescher & Malecki has a major chunk of the municipalities in Erie County. Maybe there will be companies in the Southern Tier in the Ellicottville area. Council Member Drake felt that there was not good communication with Drescher & Malecki this year during the audit; right now, the Town does not even know what their findings are. Supervisor Drozd agreed that it is good business practice to get other quotes since taxpayer funds are used for the audit.

f) Supervisor Drozd informed the Board:

(1) Good news. He was just informed that the Concord IDA dissolution passed both the Assembly and the Senate. The Town is now waiting Governor Hochul's signature. This could take several more months but hopefully by Fall, but the Town is one step closer to formally dissolve the Concord IDA. It has been quite a process.

(2) Music in the Park series starts June 29<sup>th</sup> and goes through August 31<sup>st</sup>. The cost of this series is shared 50/50 with the Village of Springville. There is a great ten-week program this year, which is two more weeks this year. As in the past, the SGI Jazz Orchestra will start off the series.

(3) The Household Hazardous Waste Collection in Elma will be held on July 8<sup>th</sup> from 8:30 a.m. to 1 p.m. Reservations are required: [www.erie.gov/recycling](http://www.erie.gov/recycling) or call (716) 858-6800. Council Member Drake advised that this collection will be accepting latex and oil-based paint and batteries.

(4) Assembly DiPietro was at the Concord Senior Center last weekend for a Town Hall meeting. The meeting was very well attended; a lot of questions were asked.

(5) The Springville Kiwanis Club and the Springville Fire Company are putting on the 9<sup>th</sup> Annual SGI All Class Reunion to be held the weekend of July 21<sup>st</sup>. July 23<sup>rd</sup> is the fire company's big fundraiser. There will be vendors and the Car Show. This event will be the only festival in Town, except for the Art Crawl, because there is no Dairy Fest and no Oktoberfest.

ITEM #9      MOTION TO ADJOURN

Motion by Supervisor Drozd, seconded by Council Member Drake and passed unanimously, to adjourn the meeting at 8:33 p.m. in memory of:

Beverly J. White  
Mark McIntosh  
Marcia B. Smith  
Jack K. Case, Jr.  
Derek M. Otto  
Margaret Hoffman  
William E. Bramer, III  
Jean M. Jones  
Wilfred (Bill) Jones



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Darlene G. Schweikert  
Town Clerk

## *Town of Concord Highway Department*

13076 N. Central Avenue

Springville, NY 14141

716-592-4892 Phone

716-592-4357 Fax

Barry A. Edwards, Highway Superintendent

Highway Superintendents Report for the period of May 10, 2023 to June 6, 2023.

With twenty-eight days in this period the Highway Department

- Took COVID sign down at Community Park and installed a new DMV sign at the Senior Center.
- Cleaned and mowed the East Concord Cemetery, Mortons Corners Cemetery, Spaulding Road Cemetery and the Senior Center before Memorial Day.
- Washed Tk#10 & Tk #16 inside and out.
- Topsoil and seeded Library.
- Ditched all roads in Craneridge.
- Swept and Vac- All Cascade Drive.
- Took Tk#10 to Jim Murphy's for oil change.
- Changed out 3 cross culverts in Craneridge.
- Started mowing road shoulders.
- Took signs to Dick Briggs from the Bentley Center.
- Checked on the beavers on Kaiser Road.
- Completed brake jobs on Tk#14, #15, #16, #18 & #19.
- Helped Sardinia Highway Dept. with ditching.
- Helped flag for Midland Oil while they cracked sealed Cascade Drive.
- Made several trips to parts store for numerous truck repairs.

- Loaded scrap from the Highway barn yard and took to Preivity's.
- Took Tk#13 to Fleet Maintenance for recall.
- Cleaned front and middle shop, washed floors.
- Met with the NYS Dept. of Labor and settled all violations.
- Started paving Craneridge.
- Pick up the new Roller.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Barry A. Edwards". The signature is written in black ink and has a long, sweeping flourish extending to the right.

Barry A. Edwards,  
Highway Superintendent